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Attorneys for Defendant/Third Party Claimant  
Suncrest Enterprise

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICROSOFT CORPORATION, a  
Washington corporation,

Plaintiff,  
v.

SUNCREST ENTERPRISE, INC., a  
California corporation; YI-LING CHEN, an  
individual,

Defendants.

SUNCREST ENTERPRISE, INC., a  
California corporation;

Third Party Claimant,

v.

Simon P. Yu, an individual doing business  
as MicroPlus International Technology;  
Aileen Y. Jin, an individual doing business  
as MicroPlus International Technology,

Cross-Defendants.

Case No. 03-CV-5424-JF (HRL)

REQUEST FOR DISMISSAL WITH  
PREJUDICE OF THIRD PARTY  
COMPLAINT; [~~PROPOSED~~] ORDER  
OF DISMISSAL

1 Defendant/Third Party Claimant Suncrest Enterprise (erroneously designated as "Suncrest  
2 enterprise, Inc.), by and through its counsel of record, requests that the Third Party Complaint that it  
3 filed on November 4, 2004 against Simon P. Yu, an individual doing business as MicroPlus  
4 International Technology; and Aileen Y. Jin, an individual doing business as MicroPlus International  
5 Technology, be dismissed with prejudice, with each side to bear its own costs and attorneys' fees,  
6 pursuant to the terms of the settlement reached before Magistrate Judge Howard R. Lloyd on January  
7 27, 2007.

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9 GORMAN & MILLER, P.C.

10 By: /s/  
11 JOHN C. GORMAN  
12 Attorneys for Defendant/Cross-Claimant  
13 Suncrest Enterprise  
14

15 ORDER

16 IT IS SO ORDERED.

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18 Dated: 2/13/07

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20 HON. JEREMY FOGEL  
21 United States District Judge  
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